

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419

Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:

All Actions

[PROPOSED] MDL ORDER #

The Court understands that some state statutes, for example Tenn. Code Ann. § 29-26-121 and similar statutes, and/or the Federal Rules of Civil Procedure impose deadlines for curing service or pre-suit notice defects. This order is intended to address the need for Plaintiffs to have an opportunity to cure (if curable) any alleged deficiencies in serving Complaints or satisfying pre-suit filing requirements, including notice, given that the deadlines for Defendants to answer or otherwise respond to Complaints has been extended. Accordingly, it is ordered that:

For any case pending in this Court or subject to transfer to this Court against an Unaffiliated Defendant, who has not previously filed a Notice of Participation in the Mediation Program, on or before December 20, 2013, such Unaffiliated Defendant that wishes to assert a defense of insufficiency of process or failure to satisfy pre-suit notice or other requirements pursuant to state law shall identify, by letter to the Plaintiffs' Steering Committee, the following:

1. The case name and civil action number,
2. A brief description of the alleged problem with service of process; and
3. A brief description of the alleged problem/insufficiency in satisfying state-law pre-suit filing requirements.

The Unaffiliated Defendants shall provide this information to the Plaintiffs' Steering Committee

by no later than January 10, 2013.

The time requirements for curing any service and pre-suit notice requirements (including any statute of limitations) shall be tolled from the date of this Order against such a Defendant until such Defendant provides the information required by this order.

So Ordered this _____ day of _____, ____.

F. Dennis Saylor IV
United States District Judge

Date: December 16, 2013

Respectfully submitted:

/s/ J. Gerard Stranch, IV

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, J. Gerard Stranch, IV, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: December 16, 2013

/s/J. Gerard Stranch, IV
J. Gerard Stranch, IV